

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES HART,

Defendant.

8:17CR186

**ORDER ON APPEARANCE FOR
SUPERVISED RELEASE VIOLATION**

The defendant appeared before the Court on January 12, 2023 for a preliminary hearing and detention hearing regarding Petition for Offender Under Supervision [81]. Michael Hansen represented the defendant. Matt Lierman represented the government. The defendant was advised of the alleged violation(s) of supervised release, right to retain or appointment of counsel, and any right to a preliminary hearing in accordance with Federal Rule of Criminal Procedure 32.1(a)(3) at his previous hearing on January 9, 2023.

The defendant is being released pending a final dispositional hearing. Therefore, the defendant does not have a right to a preliminary hearing. Fed. R. Crim. P. 32.1(b)(1)(A). The Court finds the petition sets forth probable cause to believe the defendant violated the terms of supervised release. The defendant shall appear personally for a final dispositional hearing before Chief U.S. District Judge Robert F. Rossiter, Jr. in Courtroom No. 4, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 3:00 p.m. on March 1, 2023.

The government moved for detention based upon danger. The defendant requested a detention hearing which was held. The defendant met his burden to establish by clear and convincing evidence that he will not pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6). The government's motion for detention is denied, and the defendant shall be released on the current terms and conditions of supervision with the additional conditions that the defendant complete a psychiatric evaluation, which shall include a medication assessment, and a psychological evaluation as soon as possible and follow any recommendations. The attorneys and the probation officer shall meet and confer to determine who would be agreeable to all parties to conduct the evaluations. If the parties cannot agree on who should conduct the evaluations, they shall contact the court to have a hearing on the matter. Defendant shall continue therapy with Ms. Sutton and take all medication as prescribed except for Adderall. 18 U.S.C. § 3143(a)(1).

IT IS SO ORDERED.

Dated this 12th day of January, 2023.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge